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C O N F I D E N T I A L AMMAN 004470

SIPDIS

SENSITIVE

DEPT FOR NEA AND PRM FRONT OFFICES
NSC FOR ABRAMS/DANIN/KIFAYAT

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TAGS: [PREF](#) [PREL](#) [PHUM](#) [EAID](#) [KPAL](#) [KWBG](#) [IS](#) [JO](#) [UNRWA](#)

SUBJECT: EUROPEANS PRESSURE UNRWA NOT TO PROVIDE REHOUSING
IN RAFAH

REF: JERUSALEM 1662

Classified By: DCM David Hale, per 1.5 (b) and (d).

1. (SBU) UNRWA's May 31 launch of a new USD 15.8 million supplementary appeal for Rafah was dominated by discussion of Israel's obligations under international humanitarian law. According to UNRWA External Relations Director Andrew Whitley, the European Commission and "seven or eight European countries" strongly urged UNRWA not to provide rehousing assistance in Rafah, arguing that Israel should provide compensation for the housing units demolished and destroyed over the last year. The Europeans cited as a legal precedent the Israeli Government's decision to pay compensation to the World Food Program (WFP) after the IDF destroyed a WFP warehouse in Gaza in 2003 and urged UNRWA to pursue similar claims. (Comment: There does not appear to be an exact parallel between compensation given to the UN for the bombing of clearly identified UN property and compensation for destruction/damages of refugee shelters, as neither the UN nor individual refugees possess clear title to refugee shelters. Moreover, the GOI was careful not to characterize its reimbursement for the WFP damage as "compensation," referring to it instead as a "humanitarian gesture." Finally, the GOI did not provide cash but offered an in-kind donation of vegetable oil valued at USD 77,000 while damages were estimated at USD 199,000.)

2. (SBU) While UNRWA lawyers are examining the possibility of legal claims against the Israeli government for damages incurred to infrastructure and refugee housing in Gaza, Whitley said that UNRWA's position, as articulated by ComGen Peter Hansen, is that legal issues should not prevent UNRWA from providing urgent humanitarian assistance where needed, including housing repair and reconstruction. Should UNRWA determine that international humanitarian law has been violated in recent Gaza incursions, it can then pursue compensation claims with the GOI after refugees' immediate needs have been met. UNRWA will therefore continue with its plans to provide urgent humanitarian assistance to those refugees displaced by recent incursions and, funds permitting, build new permanent housing for the 21,142 people who have lost their homes over the last year. UNRWA estimates current Gaza rehousing needs at USD 38.5 million but has been unable to implement new housing programs due to severe underfunding of its current emergency appeal.

3. (C) Comment: The concerted European call for UNRWA to withhold reconstruction and rehousing assistance in Rafah follows a heated May 24 HEPG meeting in which European donors, led by EU President Ireland, argued that Israel has violated international humanitarian law in recent Gaza incursions and should be held accountable for its actions (ref). The Europeans will likely advocate the same position at the June 4 LACC meeting. We agree with UNRWA that future potential legal claims should not preclude UNRWA and the international community from providing urgent humanitarian assistance where needed.

4. (U) ConGen Jerusalem cleared this message.
GNEHM